

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

MIKE SETTLE,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 14-2559-JDT-tmp
	)	
UNITED STATES POSTAL SERVICE,	)	
ET AL.,	)	
	)	
Defendants.	)	

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ORDER DIRECTING PLAINTIFF TO FILE UPDATED TRUST ACCOUNT  
INFORMATION OR PAY THE FULL \$505 APPELLATE FILING FEE

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Plaintiff Mike Settle, a prisoner acting *pro se*, filed a civil complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The Court granted leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 5.) After granting leave to amend (ECF No. 8), the Court dismissed the complaint *sua sponte* on September 9, 2015, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); judgment was entered on September 11, 2015. (ECF Nos. 13 & 14.) The order of dismissal also certified that an appeal would not be taken in good faith. (ECF No. 13 at 11.) On September 18, 2015, Plaintiff filed a notice of appeal (ECF No. 15) and a motion for leave to appeal *in forma pauperis* (ECF No. 16).

Generally, a plaintiff granted leave to proceed *in forma pauperis* is not required to pay filing fees. 28 U.S.C. § 1915(a)(1). Because Plaintiff is a prisoner, however, he must pay the entire \$505 appellate filing fee, although he may be able to take advantage of the installment payment method of § 1915(b). *See McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), *partially overruled*

on other grounds by *LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013). In order to take advantage of the installment procedures, a prisoner plaintiff must submit, an updated *in forma pauperis* affidavit and inmate trust account statement. *Id.* at 610; 28 U.S.C. § 1915(a)(2).

In this case, Plaintiff submitted an updated *in forma pauperis* affidavit. (ECF No. 16.) However, both the accompanying certification by the trust account officer and the trust account statement are dated June 19, 2015. These documents are not sufficiently current. Therefore, at the present time, Plaintiff is not eligible to take advantage of the installment procedures of § 1915(b). Accordingly, Plaintiff is hereby ORDERED to submit either the full \$505 appellate filing fee or a current certification and/or trust account statement within 30 days after the date of this order. If Plaintiff needs additional time to file the required documents, he may request one 30-day extension of time from this Court.

If Plaintiff fails to file the required documents in a timely manner, the Court will deny leave to appeal *in forma pauperis* and assess the entire \$505 filing fee from his inmate trust account without regard to the installment procedures, and the Sixth Circuit may dismiss the appeal for failure to prosecute. However, if Plaintiff timely submits the necessary documents and the Court finds that he is still indigent, then the Court will grant leave to appeal *in forma pauperis* and assess the filing fee in accordance with the installment procedures of 28 U.S.C. § 1915(b).

The Clerk is directed to notify the Sixth Circuit of the entry of this order.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE